

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:

Petition for Preemption of Article 52 of the
San Francisco Police Code Filed by the
Multifamily Broadband Council

)
)
)
) MB Docket No. 17-91
)
)
)

COMMENTS OF Alliance Residential Company, LLC

Alliance Residential Company, LLC hereby submits these comments in response to the April 4, 2017 Public Notice seeking comment on the February 24, 2017 Petition for Preemption (“Petition”) filed by the Multifamily Broadband Council (“MBC”). Alliance Residential Company, LLC asks that the Commission grant the Petition because Article 52 of the San Francisco Police Code effectively discourages facilities-based competition and infrastructure investment in multiple dwelling unit (“MDU”)¹ buildings, harms broadband deployment, raises communications service prices for residents, and conflicts with federal law.

1. Include information about your company, including the predominant business (owner, manager, developer), the year of its formation, where it is based, etc. Provide details about your property operations in San Francisco specifically and across the country more generally.

¹ An MDU is a centrally managed real estate development, such as an apartment building, condominium building or cooperative, gated community, mobile home park, or garden apartment. See 47 C.F.R. § 76.2000(b).

2. State that the FCC should find that Article 52 should be preempted because it interferes with the federal regulatory framework for competitive access to inside wiring where the FCC “occupies the field,” and it conflicts with federal law and policy. Article 52 is a threat to bulk billing agreements, which have been upheld by the FCC and recognized for their pro-consumer benefits such as discounted rates and enhanced service quality. The FCC has acted to remove regulatory barriers to broadband deployment at the federal, state and local levels. This local ordinance, despite its stated goal, is a barrier to investment and broadband expansion because it actually disincentivizes service to MDUs effectively reducing competition.

3. Explain how your company works with providers to deliver competitive communications services to your residents, and how Article 52 will interfere with current agreements and the impact on future agreements. If possible, provide information that demonstrates your company’s commitment to providing access and choice to your residents with the goal of ensuring the highest quality service. Describe how the ordinance could be a disincentive for providers resulting in decreased competition and choice. Some example items you may wish to cover are outlined below for your reference.

- i. Has there been or could there be a rise in costs if the ordinance stands in San Francisco or similar ordinances spread to other cities and, if so, why?
- ii. Explain the technical problems and limitations with the ordinance such as space constraints, multiple unrelated residents in a unit, wire sharing, service quality, etc.

- iii. Since the ordinance took effect in San Francisco, has your company been faced with access or contract disputes or related problems with a provider already serving your property or a potential competitive provider seeking access to a unit at your property.
- iv. Describe how the ordinance has or could create difficulty with finalizing a new contract or renewal, including reluctance by providers concerned about the possibility of additional providers seeking access. Describe how this has or could result in a decrease in service quality.
- v. Explain your concerns with the ordinance related to the threat of litigation, deprivation of reasonable compensation for damage to your property by an entering competitive provider,
- vi. Additional impacts.

Respectfully Submitted,



Bradley Cribbins

Date

May 11, 2017